

FILED

JAN 10 2025

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

3:24cv2212

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

KIESHA L. HOLMES,

Plaintiff.

)

)

)

VS

OFFICER MOSS BADGE #2896, Toledo Police Officer, individually, and in his official capacity; OFFICER SLUTERBECK)
BADGE NUMBER #2909 Toledo Police Officer, individually, and in her official capacity; SGT. MIELCAREK BADGE

NUMBER #2486, Toledo Police Officer, individually, and in his official capacity; TOLEDO POLICE DEPARTMENT)

JUDGE JIM ANDERSON, he is sued in both his individual and official capacities; NEWS REPORTER SHAUN HEGARTY,)
13 ACTION NEWS)

Defendants.

Amended

COMPLAINT

This is a civil rights complaint pursuant to the Federal Rules of Civil Procedure, Rule 8 alleging violations of Plaintiff, Kiesha L. Holmes' constitutional rights when Defendants placed her in custody and charged her with child endangerment. It alleges constitutional torts. Judge Anderson ordered the Plaintiff not to return home and no contact with the 12yr. old granddaughter until case is resolved which can take well over three months.

A. PARTIES

1. Plaintiff, KIESHA L. HOLMES, is a duly qualified member of a protected class, an African American. She is a citizen of the United States and a permanent resident of Toledo, Ohio.
2. Defendant Moss badge #2896, is a Toledo Police Officer, and she is being sued in both her individual and official capacities. During all times relevant in the Complaint, this Defendant was acting under the Color of State Law.

Commented [KH1]:

Commented [KH2R1]:

Commented [KH3R1]:

3. Defendant **Sluterbeck badge number #2909** is a Toledo Police Officer, and he is being sued in both his individual and official capacities. During all times relevant in the Complaint, this Defendant was acting under the Color of State Law.
4. Defendant, **Judge Jim Anderson**, is an Ohio Judge, and he is being sued in both his individual and official capacities. During all times relevant in the Complaint, this Defendant was acting under the Color of State Law.
5. Defendant, **Sargent Mielcarek badge number #2486**, is a Toledo, Ohio Sargent and he is being sued in both his individual and official capacities. During all times relevant in the Complaint, this Defendant was acting under the Color of State Law.
6. Defendant **The City Of Toledo Ohio Police Department** is being sued under the same laws as it's employees.
7. Defendant **13 ABC , Reporter Shaun Hegarty**, is a news reporter in Toledo, Ohio he is being sued in both his individual and official capacities during all times relevant in the Complaint, this defendant was acting under the Color of State Law.
8. Defendant **13 ABC** is a News station in Toledo, Ohio is the employer of Reporter **Shaun Hegarty** and is being sued too under the same laws.

B. JURISDICTION AND VENUE

6. Original jurisdiction over claims arising from defendants' civil rights violations is conferred upon this court by 28 U.S.C. secs. 1343 and 1331. Jurisdiction over state law claims is governed by 28 U.S.C. sec. 1391.

C. ALLEGATIONS

7. On April 2, 2024 at 12:30 am Plaintiff received a knock at the door.
8. It was Plaintiff's granddaughter knocking wanting to come in Plaintiff's house after she was told four days prior to this incident that she couldn't visit anymore due to starting a fire in the attic and another fire on the stove--both in the same day.
9. Plaintiff's granddaughter decided to go next door to my neighbor's house and my neighbor called police out.
10. The police knocked at the Plaintiff's door and told Plaintiff her granddaughter was next door and needed a place to go until mom is contacted and able to come get her.
11. Plaintiff's response was "NO, my granddaughter can't stay with me because she has done too much around my house costing me lots of money that's added to my rent plus she just started a fire four days ago in my attic and both her and mother was told she can't visit anymore (**EXHIBIT Police VIDEO CAM**).
12. Plaintiff declared that she loves her granddaughter but she is a safety threat when she sneaks out the house leaving back door, window, or side door unlocked when Plaintiff nods off (**EXHIBIT Police VIDEO CAM**).

1 13. When Plaintiff is sleep or nods off her granddaughter will sneak out the house leaving windows
2 and doors open so she can sneak back in and this normally takes place at night (EXHIBIT Police
3 VIDEOCAM).

4 14. Plaintiff told the Toledo Police of two three other incident (besides the ones I just explained)
5 that clearly gives me good reasons why I she can't trust her in my house. My health will not allow me to
6 keep getting upset over her poor, disruptive decisions, it's just too much drama around her. The police
7 asked Kiesha Holmes "can she stay next door because we have no place for her to do and you can go to jail
8 if you don't let her in so we will be back" (EXHIBIT Police VIDEO CAM).

9
10 15. The police leaves (go next door) then police officers come back to say; she can't stay over there
11 so she's going to have to stay with you because we don't have any place for her to go or you're going to
12 jail!

13 16. Plaintiff said, "This is my house. I pay the bills here and no one can make me let someone stay
14 in my house that I don't want to."

15
16 17. I asked What about Safety Net or Children Services? Those are the two places she normally
17 goes.

18
19 18. Their response to that was, "its voluntary to stay at Safety Net. She can leave when she wants
20 to."

21
22 19. Next, Plaintiff says well she does that here and leave door unlocked and windows unlocked for
23 someone to come in on me. (repeated) No, she can't stay with me its to much of a danger to have my
24 granddaughter here.

25
26 20. Then one of the officers say "Maam it's against the law to not let your twelve-year-old
27 granddaughter in your house."

28
29 21. By this time Plaintiff's daughter, the mother of the twelve-year-old was on face time and the
30 phone was handed to the female police officer. It was suggested by the mother to take her to Children
31 Services where she can wait until mom gets back in town. Mom explained thoroughly granddaughter ran
32 from mom the day before and this is what she does often (grandmother said the same to the officers
33 earlier). Police is called often due to the child running away 911 calls from address 238 Maryland and 533
34 Geneva in Toledo, OH will prove this statement. Police was even told about her having a new case in
35 Toledo Juvenile Court due to running from police in a stolen vehicle with a teenage boy. She recorded the

1 incident while laughing and video recording it on social media after police arrested her as she sat in back of
2 police car.

3
4 22. After the police officers knowing the twelve-year-old is a habitual run away and don't live with
5 grandmother, grandmother DO NOT have custody and the child has a current case in Juvenile Courts the
6 police and their Sargent thought it was a good idea to arrest grandmother Kiesha Holmes allow her run
7 away grandchild to come in her house with six children in the house alone overnight with her Ex husband
8 whom Kiesha Holmes is the caregiver of him part-time note he doesn't leave at Kiesha's address everyone
9 in the house was under Kiesha's care. The mothers of the children did not give their consent for Harold
10 Holmes to watch their children and would not have given permission due to his medical conditions.

11
12 23. Grandfather is not capable of watching six children. Also, to add the police wrote a false police
13 report. The police report read; the grandmother has custody and she put the twelve-year-old out the
14 house and grandmother refused to let her back in so, she went next door and the neighbor called police.
15 This is far from the truth the child ran away from her mother the day before and arrived at the
16 grandmother's house around 12:30am. Once the police arrested the grandmother; Mean time six children
17 left in the house alone with an unruly child and a man that suffer from multiple medical conditions. The
18 mothers of these children are out raged "how dare the police kick the grandmother out and leave those
19 many children alone with an unruly kid and a man that is medically unstable to watch kids". Police charged
20 grandmother with Endangering Children when in Fact that's what the Police and their Sargent did
21 endangered the kids and the grandfather adding wrote a FALSE POLICE REPORT.

22
23 24. Grandmother was booked on False CHARGES; ENDANGERING CHILDREN. After three, four hours
24 in the jail cell rescue squad arrive at the jail because grandmother Kiesha Holmes was suffering chest pain,
25 pain and pressure behind the eyes. The pressure behind her eyes has caused her vision to change due to
26 the pressure behind eyes and elevated blood pressure. The blood pressure was 265 over 170 so, aspirin
27 and Nitro was given to grandmother and taken to hospital where they, the doctor and the nurse had
28 problems getting bp down also oxygen level was low and had to be given oxygen. Once release from St.
29 Vincent Hospital Kiesha Holmes was able to meet with Public Defender before seeing Judge Anderson.
30 Judge Anderson was very rude, disrespectful and inhuman saying he didn't care about the issues of a false
31 police report, didn't care if I had custody or not (EXHIBIT). Judge Jim Anderson order Kiesha Holmes to
32 leave her home with no contact with granddaughter whom lives out of town in Columbus OH (EXHIBIT). If
33 judge Anderson wanted to know the truth he could have easily listened to Kiesha Holmes and called the
34 Juvenile Court to back up statements that the grandchild lives in Columbus and was order not to come
35 back to Toledo and has/had an open case with Toledo Children Services.

36
37 25. Lucas County Children Services (EXHIBIT) did an investigation and found no evidence of Child
38 Endangerment. Children Services was aware of the granddaughter's behavior and known to runaway also

1 stated they agree that police should not have arrested the grandmother because there are other
2 alternatives and this situation was extreme.

3
4 26. The 13 Action News was called to do a story on the mistreatment and unjustified behavior of
5 Toledo Police Department and the Judge involved in this case adding that the Internal Affairs was called as
6 soon as Plaintiff was released from jail. The Sargent Investigator told me he looked at the Police video cam
7 several times and listened to it and found no wrong doing by the Plaintiff (**EXHIBIT PHONE RECORDING**).
8 He said he will erase everything as if it didn't happen so not to worry about anything like going to the next
9 court dated adding even though he's taking care of the charges right now he still has to do an investigation
10 and it will take a few months (90 days) suggesting he will be finished with the investigation the middle of
11 July 2024.

12
13 27. By August Shaun Reporter from 13 Action News came out to interview me at my home. I told
14 Shaun I didn't get the Police Report because The Toledo Police Department refused to give the Police
15 Report me then he said if I like he could make a copy and give it to me and mention he looked at the Police
16 Video Cam. The granddaughter's mom (Kohrea McKinney) tried to get the police report also was turned
17 down by the Toledo Police Records Dept. however, I did get the police narrative that was given to the
18 Public from the courts and the Trans Script was received to show the News Reporter the Conspiracy
19 between Police and the Judge. I also found that the custody of my granddaughter was changed by the
20 court to read that I Kiesha Holmes has custody of my granddaughter (**EXHIBIT**). I told the reporter Shaun
21 that my granddaughter had another incident that cause the Juvenile Court to send out a court date to
22 Kohrea McKinney with my name on it. After retrieving it in the mail Kohrea McKinney found that she no
23 longer had custody of her daughter this was shocking that the court would go so far to cover up their
24 unlawful behavior. Custody was given to the grandmother Kiesha Holmes without ever going to court. All
25 paperwork was shown to Shaun then he responded "What did I get myself into". I explained the reason
26 for tampering, changing the custody to Shaun (the News Reporter) that both the police and the judge
27 wanted the custody paperwork to match the false police report this is the reasoning behind the courts
28 falsifying documents. I **ONCE AGAIN STATED** "I do not have custody and my granddaughter lives in
29 Columbus with her mother". I explained; "she ran away from her mom then ended up showing up on my
30 door step after I told her and her mom she was no longer welcomed at my house" due to her dangerous
31 and disrespectful behavior.

32
33 28. The Reporter of 13 Action News joined in on the corruption and conspiracy to block Kiesha
34 Holmes from gaining justice. **EXHIBIT The NEWS VIDEO- It fits the narrative of the false police report.**
35 Reporter Shaun changed the narrative of the incident that occurred April 2, 2024 at or around 12:30am to
36 fit what The Toledo Police false report said.

37
38 29. The Judge stated lies that he didn't know he was just going off the police report. Their actions
39 were to punish Kiesha Holmes for not agreeing with the police to allow her granddaughter in her house

1 after running away from her mom. I would like to add a timeline because the time is relevant to prove the
 2 connection and the intent to commit fraud and cover up wrong doing. The Reporter took two months to
 3 make a decision to interview me after viewing the police cam and reading over the police report. He
 4 interviewed me at my home another four months later from June – Oct 2024 (it was aired Oct 7th totaling
 5 6 months). After hearing I was going to file a lawsuit, he then made a decision to interview me and kept
 6 asking if I was still planning on filing a lawsuit. I thought it was odd to keep asking for an update. I was
 7 going around collecting evidence at the prosecutor's Office, Safety Building A.K.A Toledo Police Dept. and I
 8 showed shaun the news report all the paperwork I collected from the courts besides the police report I
 9 didn't have because they refused to give me a copy. Once we finished the interview at the house Shaun
 10 took a long time to edited the interview but, now I know why it was to fit the police false report. This was
 11 devastating just heart breaking to me. The story that was aired on TV for the whole world to see it was
 12 embarrassing and false, clearly defamation of character. Shaun the reporter knew his actions were a
 13 violation of my Civil Rights but because this behavior has never been addressed by the courts here in
 14 Toledo, OH. The bold abrasion behavior and corruption runs deep in Toledo. All stated above participating
 15 in a conspiracy to break the law and violate the CIVIL RIGHT of a PROTECTED CLASS.

16 17 D. CLAIMS

18
19 30. The actions and/or omissions of Defendants, as set forth in paragraphs 1 through 29,
 20 violated Plaintiff's right to enjoyment of her personal property without due process of law.

21
22 31. The actions and/or omissions of Defendants, as set forth in paragraphs 1 through 29,
 23 violated Plaintiff's constitutional rights prohibiting false arrest.

24
25 32. The actions and/or omissions of Defendants, as set forth in paragraphs 1 through 29,
 26 violated Plaintiff's constitutional rights prohibiting violation of conspiracy to violate constitutional rights.

27
28 33. The actions and/or omissions of Defendants, as set forth in paragraphs 1 through 29,
 29 violated Plaintiff's constitutional rights guaranteeing her life, liberty, and the pursuit of happiness.

30
31 34. The actions and/or omissions of Defendants, as set forth in paragraphs 1 through 29,
 32 violated Plaintiff's constitutional rights prohibiting cruel and unusual punishment.

33
34 35. The actions and/or omissions of Defendants, as set forth in paragraphs 1 through 29,
 35 violated Plaintiff's constitutional rights prohibiting false imprisonment.
 36

1 36. The actions and/or omissions of Defendants, as set forth in paragraphs 1 through 29,
2 violated Plaintiff's common law rights prohibiting abuse of process.

3
4 37. The actions and/or omissions of Defendants, as set forth in paragraphs 1 through 29,
5 violated Plaintiff's constitutional prohibition conspiracy to interfere with civil rights.

6 38. The actions and/or omissions of Defendants as set forth in paragraphs 1 through 29,
7 violated Plaintiff's rights prohibiting defamation of character.

8
9
10 E. DAMAGES

11
12 38. Plaintiff requests the following damages:

- 13
14 a. Compensatory damages in the amount of \$1,200,000.00
15 b. Punitive damages in the amount of \$25,000,000.00
16
17
18

19 WHEREFORE, Plaintiff prays the Court grant her the relief prayed for in her Complaint
20 , and for such other and further relief.
21
22

23 Respectfully submitted:

24
25
26 

27 Klesha L. Holmes/Pro se

28 238 Maryland Aven

29 Toledo, Ohio 43605